

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

PENDANT PROPERTIES, LLC,

Plaintiff,

v.

**EMC PROPERTY & CASUALTY
COMPANY,**

Defendant.

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CASE NO. 6:22-CV-00245-GLJ

PLAINTIFF'S INITIAL RULE 26(a)(1) DISCLOSURES

Plaintiff, Pendant Properties, LLC, serves its initial disclosures in accordance with Rule 26(a)(1) of the Federal Rules of Civil Procedure as follows:

- (a) The name and, if known, the address and telephone number of each individual likely to have discoverable information – along with the subjects of that information – that the disclosing party may use to support its claims or defenses unless the use would be solely for impeachment.

1. **Corporate Representative**
Pendant Properties, LLC
By and through counsel of record, Terry M. McKeever
FOSHEE & YAFFE LAW FIRM
P.O. Box 890420
Oklahoma City, OK 73189*Plaintiff – knowledge of Plaintiff's claims and causes of action.*
2. **Brian McCarty**
Service First Roofing and Construction
14867 US Highway 70
Ardmore, OK 73401
Telephone: (580) 630-1180
Mr. McCarty has knowledge about the damage to the Property and the reasonable and necessary costs to repair damaged property.
3. **EMC Property & Casualty Company**
By and Through Counsel of Record,
Phil R. Richards

Exhibit

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RICHARDS & CONNOR
12th Floor, ParkCentre Bldg.
525 S. Main Street
Tulsa, Oklahoma 74103
Telephone: (918) 585-2394
Facsimile: (918) 585-1449

Defendant and will have knowledge of the handling of Plaintiff's claim and EMC Property & Casualty Company's denial of the claim.

- 4. Doug Van Es**
By and Through Counsel of Record,
Phil R. Richards

RICHARDS & CONNOR
12th Floor, ParkCentre Bldg.
525 S. Main Street
Tulsa, Oklahoma 74103
Telephone: (918) 585-2394
Facsimile: (918) 585-1449

Mr. Van Es served as a claim specialist in this matter on behalf of Defendant and will have knowledge of the handling of Plaintiff's claim and EMC Property & Casualty Company's denial of the claim.

- 5. All individuals and entities designated by Defendant in its initial disclosures.**

- (b) a copy of, or a description by category and location – of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment.

Plaintiff produces herewith PENDANT_000001-000182 and will supplement their production in the course of regular discovery in this case, as required by the Federal Rules of Civil Procedure or further Court order.

- (c) A computation of any category of damages claimed by the disclosing party – who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered.

Plaintiff has not made a determination of its full damages at this time, but Plaintiff does seek compensation for loss to its covered property, and other damages allowed under Oklahoma law, as reflected OUJI 22.4 in an amount to be determined by the jury, and for attorney's fees, interest, and penalties.

- (d) For inspection and copying as under Rule 34, any insurance agreement under which any insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

Please see a copy of Plaintiff's insurance policy being produced, Bates labeled as PENDANT_000001-000131.

Respectfully submitted,

/s/Terry M. McKeever

Terry M. McKeever

OBA No. 21751

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S. Alex Yaffe

OBA No. 21063

ay@fylaw.com

FOSHEE & YAFFE LAW FIRM

P.O. Box 890420

Oklahoma City, OK 73189

Telephone: (405) 632-6668

Facsimile: (405) 632-3036

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing instrument has been served as indicated below on November 11, 2022 to:

Via email (and regular mail)

Phil R. Richards
State Bar No. 10457
prichards@richardsconnor.com

RICHARDS & CONNOR

12th Floor, ParkCentre Bldg.
525 S. Main Street
Tulsa, Oklahoma 74103
Telephone: (918) 585-2394
Facsimile: (918) 585-1449

ATTORNEY FOR DEFENDANT

/s/Terry M. McKeever

Terry M. McKeever